

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, and SANDRA §
 McCOLLUM, individually, and STEPHANIE §
 KINGREY, individually and as independent §
 administrator of the Estate of LARRY GENE §
 McCOLLUM, §

PLAINTIFFS §

V.

BRAD LIVINGSTON, JEFF PRINGLE, §
RICHARD CLARK, KAREN TATE, §
SANDREA SANDERS, ROBERT EASON, the §
UNIVERSITY OF TEXAS MEDICAL §
BRANCH and the TEXAS DEPARTMENT OF §
CRIMINAL JUSTICE. §

DEFENDANTS §

CIVIL ACTION NO.
3:12-cv-02037
JURY DEMAND

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs advise the Court of recent rulings from the Eastern District of Texas in a similar case involving the same Defendants where a prisoner also died of heat stroke.

In this case, Defendant University of Texas Medical Branch has a pending motions to dismiss (Doc. 122). As the Court may be aware, Judge Michael H. Schneider of the Eastern District of Texas recently adopted a report and recommendation by Magistrate Judge John Love that UTMB's motion to dismiss be denied. UTMB's motion in Judge Schneider's case raised the same arguments UTMB raises here.

Out of an abundance of caution, and to assist the Court, Plaintiffs attach the Eastern District Order denying UTMB's motion to dismiss. Ex. 1, *Webb v. Livingston*, No. 6:13-cv-711, Doc. 125 (E.D. Tex. May 5, 2014) (Schneider, J.).

Thus, for the reasons in Plaintiffs' responses and in the reasons found by these

other federal courts, Plaintiffs respectfully request the pending motions to dismiss be denied.

DATED: May 8, 2014.

Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Northern District of Texas.